

Message Text

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ACTION EA-09

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FM AMEMBASSY MANILA

TO SECSTATE WASHDC 9612

C O N F I D E N T I A L MANILA 13244

E.O. 11652: GDS

TAGS: PINT, SHUM, RP

SUBJECT: AQUINO CASE

REF: (A) MANILA 13214; (B) MANILA 12862

1. MILITARY TRIBUNAL TRYING SENATOR AQUINO MET BRIEFLY AUGUST 30 AND SCHEDULED NEXT SESSION FOR SEPTEMBER 15. MILITARY PROSECUTOR (LTC SISON) ASKED THAT COMMANDER DANTE (BERNABE BUSCAYNO) AND LIEUTENANT VICTOR CORPUS, BOTH OF WHOM ARE CO-ACCUSED WITH AQUINO BE TAKEN INTO TRIBUNAL'S CUSTODY. DANTE IS ALLEGED TO HAVE ASSISTED AQUINO IN 1967 MURDER. CORPUS AND AQUINO ARE SAID TO HAVE COLLABORATED IN DECEMBER 29, 1970 RAID ON PMA ARMORY IN BAGUIO. IN APPROVING THE PROSECUTOR'S REQUEST, TRIBUNAL ALSO INSTRUCTED HIM TO CLARIFY EXACTLY WHEN CORPUS WAS TAKEN INTO MILITARY CUSTODY. BEGIN FYI -- ACCORDING TO SECDEF ENRILE TO AMBASSADOR THIS WAS JANUARY 1976. END FYI.

2. IN DISCUSSIONS WITH EMBOFFS AUGUST 28, SENATOR SALONGA SAID HE BELIEVES MARCOS HAS REVISED HIS STRATEGY AND HAS NOW OPTED FOR PROTRACTED TRIAL WHICH HOPEFULLY WILL DULL NATIONAL AND INTERNATIONAL INTEREST IN AQUINO CASE. SALONGA FORCEFULLY DENIED REPORTS IN RECENT NEWSWEEK THAT AQUINO'S ATTORNEYS HAD BEEN PLEA BARGAINING WITH GOVERNMENT. CLAIMING SUCH REPORTS ABSOLUTELY GROUNDLESS, SALONGA COMMENTED REGIME WAS IN SOMEWHAT EMBARRASSING POSITION AS FAR AS CORPUS CONCERNED SINCE

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MILITARY TRIBUNAL WAS TRYING HIM ABSENTIA WHEN,

ACTUALLY, HE WAS IN GOVERNMENT HANDS.

3. COMMENT: GOVERNMENT PROBABLY WILL USE NEXT TWO WEEKS TO DECIDE HOW COMMANDER DANTE AND LIEUTENANT CORPUS CAN BE FOLDED INTO AQUINO TRIAL WITHOUT RAISING EMBARRASSING LEGAL QUESTION AS TO WHY REGIME FAILED DISCLOSE CORPUS' CAPTURE EARLIER. SALONGA WAS ADAMANT THERE HAS BEEN NO PLEA BARGAINING BETWEEN AQUINO AND REGIME. IN ABSENCE OF SUCH PLEA BARGAINING, AND IN VIEW ADDED ELEMENT OF CAPTURED NPA LEADERS, EARLY RESOLUTION OF AQUINO MATTER APPEARS IMPROBABLE. THUS, MARCOS MAY WAIT UNTIL AFTER IMF MEETING TO HAVE COURT RENDER ITS VERDICT.
SULLIVAN

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